

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1452

**Introduced by Assembly Member Stone
(Coauthor: Assembly Member Atkins)**

January 8, 2014

An act to amend Sections 11450 and 11453 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1452, as amended, Stone. CalWORKs: temporary homeless assistance.

(1) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law establishes maximum aid grant amounts to be provided under the CalWORKs program, and generally prohibits cost-of-living adjustments to those maximum aid grant amounts.

Under existing law, after a family has used all available liquid resources in excess of \$100, the family is entitled to receive an allowance for nonrecurring special needs, including homeless assistance ~~in an~~ assistance. *Under existing law, homeless assistance is provided in the amount of \$65 per day for families of up to 4 members, with an additional \$15 provided for the 5th and each additional member, up to a daily maximum of \$125.*

This bill would increase the amount of homeless assistance to \$75 per day for families of up to 4 members, and *would increase the daily maximum to \$135. The bill* would require that this amount be adjusted annually to reflect any increases or decreases in the cost of living. By increasing the amount of cash aid provided by counties, this bill would impose a state-mandated local program.

(2) Existing law continually appropriates money from the General Fund to pay for a share of aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill pursuant to the provision continuously appropriating funds for the CalWORKs program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11450 of the Welfare and Institutions
2 Code, as amended by Section 37 of Chapter 21 of the Statutes of
3 2013, is amended to read:
4 11450. (a) (1) Aid shall be paid for each needy family, which
5 shall include all eligible brothers and sisters of each eligible
6 applicant or recipient child and the parents of the children, but
7 shall not include unborn children, or recipients of aid under Chapter
8 3 (commencing with Section 12000), qualified for aid under this
9 chapter. In determining the amount of aid paid, and notwithstanding
10 the minimum basic standards of adequate care specified in Section
11 11452, the family's income, exclusive of any amounts considered
12 exempt as income or paid pursuant to subdivision (e) or Section
13 11453.1, determined for the prospective semiannual period
14 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
15 calculated pursuant to Section 11451.5, shall be deducted from
16 the sum specified in the following table, as adjusted for
17 cost-of-living increases pursuant to Section 11453 and paragraph

(2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of former Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother

1 who is 18 years of age or younger at any time after verification of
2 pregnancy, in the amount that would otherwise be paid to one
3 person, as specified in subdivision (a), if the mother, and child, if
4 born, would have qualified for aid under this chapter. Verification
5 of pregnancy shall be required as a condition of eligibility for aid
6 under this subdivision.

7 (2) Notwithstanding paragraph (1), when the family does not
8 include a needy child qualified for aid under this chapter, aid shall
9 be paid to a pregnant mother for the month in which the birth is
10 anticipated and for the three-month period immediately prior to
11 the month in which the birth is anticipated in the amount that would
12 otherwise be paid to one person, as specified in subdivision (a), if
13 the mother and child, if born, would have qualified for aid under
14 this chapter. Verification of pregnancy shall be required as a
15 condition of eligibility for aid under this subdivision.

16 (3) Paragraph (1) shall apply only when the Cal-Learn Program
17 (*Article 3.5 (commencing with Section 11331)*) is operative.

18 (c) The amount of forty-seven dollars (\$47) per month shall be
19 paid to pregnant mothers qualified for aid under subdivision (a)
20 or (b) to meet special needs resulting from pregnancy if the mother,
21 and child, if born, would have qualified for aid under this chapter.
22 County welfare departments shall refer all recipients of aid under
23 this subdivision to a local provider of the Women, Infants and
24 Children program. If that payment to pregnant mothers qualified
25 for aid under subdivision (a) is considered income under federal
26 law in the first five months of pregnancy, payments under this
27 subdivision shall not apply to persons eligible under subdivision
28 (a), except for the month in which birth is anticipated and for the
29 three-month period immediately prior to the month in which
30 delivery is anticipated, if the mother, and the child, if born, would
31 have qualified for aid under this chapter.

32 (d) For children receiving AFDC-FC under this chapter, there
33 shall be paid, exclusive of any amount considered exempt as
34 income, an amount of aid each month which, when added to the
35 child's income, is equal to the rate specified in Section 11460,
36 11461, 11462, 11462.1, or 11463. In addition, the child shall be
37 eligible for special needs, as specified in departmental regulations.

38 (e) In addition to the amounts payable under subdivision (a)
39 and Section 11453.1, a family shall be entitled to receive an
40 allowance for recurring special needs not common to a majority

1 of recipients. These recurring special needs shall include, but not
2 be limited to, special diets upon the recommendation of a physician
3 for circumstances other than pregnancy, and unusual costs of
4 transportation, laundry, housekeeping services, telephone, and
5 utilities. The recurring special needs allowance for each family
6 per month shall not exceed that amount resulting from multiplying
7 the sum of ten dollars (\$10) by the number of recipients in the
8 family who are eligible for assistance.

9 (f) After a family has used all available liquid resources, both
10 exempt and nonexempt, in excess of one hundred dollars (\$100),
11 with the exception of funds deposited in a restricted account
12 described in subdivision (a) of Section 11155.2, the family shall
13 also be entitled to receive an allowance for nonrecurring special
14 needs.

15 (1) An allowance for nonrecurring special needs shall be granted
16 for replacement of clothing and household equipment and for
17 emergency housing needs other than those needs addressed by
18 paragraph (2). These needs shall be caused by sudden and unusual
19 circumstances beyond the control of the needy family. The
20 department shall establish the allowance for each of the
21 nonrecurring special need items. The sum of all nonrecurring
22 special needs provided by this subdivision shall not exceed six
23 hundred dollars (\$600) per event.

24 (2) Homeless assistance is available to a homeless family
25 seeking shelter when the family is eligible for aid under this
26 chapter. Homeless assistance for temporary shelter is also available
27 to homeless families—~~which~~ *that* are apparently eligible for aid
28 under this chapter. Apparent eligibility exists when evidence
29 presented by the applicant, or which is otherwise available to the
30 county welfare department, and the information provided on the
31 application documents indicate that there would be eligibility for
32 aid under this chapter if the evidence and information were verified.
33 However, an alien applicant who does not provide verification of
34 his or her eligible alien status, or a woman with no eligible children
35 who does not provide medical verification of pregnancy, is not
36 apparently eligible for purposes of this section.

37 A family is considered homeless, for the purpose of this section,
38 when the family lacks a fixed and regular nighttime residence; or
39 the family has a primary nighttime residence that is a supervised
40 publicly or privately operated shelter designed to provide temporary

1 living accommodations; or the family is residing in a public or
2 private place not designed for, or ordinarily used as, a regular
3 sleeping accommodation for human beings. A family is also
4 considered homeless for the purpose of this section if the family
5 has received a notice to pay rent or quit. The family shall
6 demonstrate that the eviction is the result of a verified financial
7 hardship as a result of extraordinary circumstances beyond their
8 control, and not other lease or rental violations, and that the family
9 is experiencing a financial crisis that could result in homelessness
10 if preventative assistance is not provided.

11 (A) (i) A nonrecurring special need of seventy-five dollars
12 (\$75) per day shall be available to families of up to four members
13 for the costs of temporary shelter, subject to the requirements of
14 this paragraph. The fifth and additional members of the family
15 shall each receive fifteen dollars (\$15) per day, up to a daily
16 maximum of ~~one hundred twenty-five dollars (\$125)~~ *one hundred*
17 *thirty-five dollars (\$135)*. County welfare departments may increase
18 the daily amount available for temporary shelter as necessary to
19 secure the additional bedspace needed by the family.

20 (ii) This special need shall be granted or denied immediately
21 upon the family's application for homeless assistance, and benefits
22 shall be available for up to three working days. The county welfare
23 department shall verify the family's homelessness within the first
24 three working days and if the family meets the criteria of
25 questionable homelessness established by the department, the
26 county welfare department shall refer the family to its early fraud
27 prevention and detection unit, if the county has such a unit, for
28 assistance in the verification of homelessness within this period.

29 (iii) After homelessness has been verified, the three-day limit
30 shall be extended for a period of time which, when added to the
31 initial benefits provided, does not exceed a total of 16 calendar
32 days. This extension of benefits shall be done in increments of one
33 week and shall be based upon searching for permanent housing
34 which shall be documented on a housing search form; good cause;
35 or other circumstances defined by the department. Documentation
36 of a housing search shall be required for the initial extension of
37 benefits beyond the three-day limit and on a weekly basis thereafter
38 as long as the family is receiving temporary shelter benefits. Good
39 cause shall include, but is not limited to, situations in which the
40 county welfare department has determined that the family, to the

1 extent it is capable, has made a good faith but unsuccessful effort
2 to secure permanent housing while receiving temporary shelter
3 benefits.

4 (B) A nonrecurring special need for permanent housing
5 assistance is available to pay for last month's rent and security
6 deposits when these payments are reasonable conditions of securing
7 a residence, or to pay for up to two months of rent arrearages, when
8 these payments are a reasonable condition of preventing eviction.

9 The last month's rent or monthly arrearage portion of the
10 payment (i) shall not exceed 80 percent of the family's total
11 monthly household income without the value of CalFresh benefits
12 or special needs for a family of that size and (ii) shall only be made
13 to families that have found permanent housing costing no more
14 than 80 percent of the family's total monthly household income
15 without the value of CalFresh benefits or special needs for a family
16 of that size.

17 However, if the county welfare department determines that a
18 family intends to reside with individuals who will be sharing
19 housing costs, the county welfare department shall, in appropriate
20 circumstances, set aside the condition specified in clause (ii) of
21 the preceding paragraph.

22 (C) The nonrecurring special need for permanent housing
23 assistance is also available to cover the standard costs of deposits
24 for utilities which are necessary for the health and safety of the
25 family.

26 (D) A payment for or denial of permanent housing assistance
27 shall be issued no later than one working day from the time that a
28 family presents evidence of the availability of permanent housing.
29 If an applicant family provides evidence of the availability of
30 permanent housing before the county welfare department has
31 established eligibility for aid under this chapter, the county welfare
32 department shall complete the eligibility determination so that the
33 denial of or payment for permanent housing assistance is issued
34 within one working day from the submission of evidence of the
35 availability of permanent housing, unless the family has failed to
36 provide all of the verification necessary to establish eligibility for
37 aid under this chapter.

38 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
39 for the temporary shelter assistance and the permanent housing
40 assistance pursuant to this paragraph shall be limited to one period

1 of up to 16 consecutive calendar days of temporary assistance and
2 one payment of permanent assistance. Any family that includes a
3 parent or nonparent caretaker relative living in the home who has
4 previously received temporary or permanent homeless assistance
5 at any time on behalf of an eligible child shall not be eligible for
6 further homeless assistance. Any person who applies for homeless
7 assistance benefits shall be informed that the temporary shelter
8 benefit of up to 16 consecutive days is available only once in a
9 lifetime, with certain exceptions, and that a break in the consecutive
10 use of the benefit constitutes permanent exhaustion of the
11 temporary benefit.

12 (ii) A family that becomes homeless as a direct and primary
13 result of a state or federally declared natural disaster shall be
14 eligible for temporary and permanent homeless assistance.

15 (iii) A family shall be eligible for temporary and permanent
16 homeless assistance when homelessness is a direct result of
17 domestic violence by a spouse, partner, or roommate; physical or
18 mental illness that is medically verified that shall not include a
19 diagnosis of alcoholism, drug addiction, or psychological stress;
20 or, the uninhabitability of the former residence caused by sudden
21 and unusual circumstances beyond the control of the family
22 including natural catastrophe, fire, or condemnation. These
23 circumstances shall be verified by a third-party governmental or
24 private health and human services agency, except that domestic
25 violence may also be verified by a sworn statement by the victim,
26 as provided under Section 11495.25. Homeless assistance payments
27 based on these specific circumstances may not be received more
28 often than once in any 12-month period. In addition, if the domestic
29 violence is verified by a sworn statement by the victim, the
30 homeless assistance payments shall be limited to two periods of
31 not more than 16 consecutive calendar days of temporary assistance
32 and two payments of permanent assistance. A county may require
33 that a recipient of homeless assistance benefits who qualifies under
34 this paragraph for a second time in a 24-month period participate
35 in a homelessness avoidance case plan as a condition of eligibility
36 for homeless assistance benefits. The county welfare department
37 shall immediately inform recipients who verify domestic violence
38 by a sworn statement pursuant to clause (iii) of the availability of
39 domestic violence counseling and services, and refer those
40 recipients to services upon request.

1 (iv) If a county requires a recipient who verifies domestic
2 violence by a sworn statement to participate in a homelessness
3 avoidance case plan pursuant to clause (iii), the plan shall include
4 the provision of domestic violence services, if appropriate.

5 (v) If a recipient seeking homeless assistance based on domestic
6 violence pursuant to clause (iii) has previously received homeless
7 avoidance services based on domestic violence, the county shall
8 review whether services were offered to the recipient and consider
9 what additional services would assist the recipient in leaving the
10 domestic violence situation.

11 (vi) The county welfare department shall report to the
12 department through a statewide homeless assistance payment
13 indicator system, necessary data, as requested by the department,
14 regarding all recipients of aid under this paragraph.

15 (F) The county welfare departments, and all other entities
16 participating in the costs of the CalWORKs program, have the
17 right in their share to any refunds resulting from payment of the
18 permanent housing. However, if an emergency requires the family
19 to move within the 12-month period specified in subparagraph
20 (E), the family shall be allowed to use any refunds received from
21 its deposits to meet the costs of moving to another residence.

22 (G) Payments to providers for temporary shelter and permanent
23 housing and utilities shall be made on behalf of families requesting
24 these payments.

25 (H) The daily amount for the temporary shelter special need for
26 homeless assistance may be increased if authorized by the current
27 year's Budget Act by specifying a different daily allowance and
28 appropriating the funds therefor.

29 (I) No payment shall be made pursuant to this paragraph unless
30 the provider of housing is a commercial establishment, shelter, or
31 person in the business of renting properties who has a history of
32 renting properties.

33 (g) The department shall establish rules and regulations ensuring
34 the uniform application statewide of this section.

35 (h) The department shall notify all applicants and recipients of
36 aid through the standardized application form that these benefits
37 are available and shall provide an opportunity for recipients to
38 apply for the funds quickly and efficiently.

39 (i) Except for the purposes of Section 15200, the amounts
40 payable to recipients pursuant to Section 11453.1 shall not

1 constitute part of the payment schedule set forth in subdivision
2 (a).

3 The amounts payable to recipients pursuant to Section 11453.1
4 shall not constitute income to recipients of aid under this section.

5 (j) For children receiving Kin-GAP pursuant to Article 4.5
6 (commencing with Section 11360) or Article 4.7 (commencing
7 with Section 11385) there shall be paid, exclusive of any amount
8 considered exempt as income, an amount of aid each month, which,
9 when added to the child's income, is equal to the rate specified in
10 Sections 11364 and 11387.

11 (k) (1) This section shall become operative on April 1, 2013.
12 A county shall implement the semiannual reporting requirements
13 in accordance with the act that added this section no later than
14 October 1, 2013.

15 (2) Upon implementation described in paragraph (1), each
16 county shall provide a certificate to the director certifying that
17 semiannual reporting has been implemented in the county.

18 (3) Upon filing the certificate described in paragraph (2), a
19 county shall comply with the semiannual reporting provisions of
20 this section.

21 SEC. 2. Section 11453 of the Welfare and Institutions Code is
22 amended to read:

23 11453. (a) Except as provided in subdivision (c), the amounts
24 set forth in Section 11452 and subdivision (a) and clause (i) of
25 subparagraph (A) of paragraph (2) of subdivision (f) of Section
26 11450 shall be adjusted annually by the department to reflect any
27 increases or decreases in the cost of living. These adjustments shall
28 become effective July 1 of each year, unless otherwise specified
29 by the Legislature. For the 2000–01 fiscal year to the 2003–04
30 fiscal year, inclusive, these adjustments shall become effective
31 October 1 of each year. The cost-of-living adjustment shall be
32 calculated by the Department of Finance based on the changes in
33 the California Necessities Index, which as used in this section
34 means the weighted average changes for food, clothing, fuel,
35 utilities, rent, and transportation for low-income consumers. The
36 computation of annual adjustments in the California Necessities
37 Index shall be made in accordance with the following steps:

38 (1) The base period expenditure amounts for each expenditure
39 category within the California Necessities Index used to compute
40 the annual grant adjustment are:

1	Food.....	\$ 3,027
2	Clothing (apparel and upkeep).....	406
3	Fuel and other utilities.....	529
4	Rent, residential.....	4,883
5	Transportation.....	1,757
6		
7	Total.....	\$10,602

(2) Based on the appropriate components of the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, the percentage change shall be determined for the 12-month period ending with the December preceding the year for which the cost-of-living adjustment will take effect, for each expenditure category specified in subdivision (a) within the following geographical areas: Los Angeles-Long Beach-Anaheim, San Francisco-Oakland, San Diego, and, to the extent statistically valid information is available from the Bureau of Labor Statistics, additional geographical areas within the state which include not less than 80 percent of recipients of aid under this chapter.

(3) Calculate a weighted percentage change for each of the expenditure categories specified in subdivision (a) using the applicable weighting factors for each area used by the State Department of Industrial Relations to calculate the California Consumer Price Index (CCPI).

(4) Calculate a category adjustment factor for each expenditure category in subdivision (a) by (1) adding 100 to the applicable weighted percentage change as determined in paragraph (2) and (2) dividing the sum by 100.

(5) Determine the expenditure amounts for the current year by multiplying each expenditure amount determined for the prior year by the applicable category adjustment factor determined in paragraph (4).

(6) Determine the overall adjustment factor by dividing (1) the sum of the expenditure amounts as determined in paragraph (4) for the current year by (2) the sum of the expenditure amounts as determined in subdivision (d) for the prior year.

(b) The overall adjustment factor determined by the preceding computation steps shall be multiplied by the schedules established pursuant to Section 11452 and subdivision (a) of Section 11450

1 as are in effect during the month of June preceding the fiscal year
2 in which the adjustments are to occur and the product rounded to
3 the nearest dollar. The resultant amounts shall constitute the new
4 schedules which shall be filed with the Secretary of State.

5 (c) (1) No adjustment to the maximum aid payment set forth
6 in subdivision (a) of Section 11450 shall be made under this section
7 for the purpose of increasing the benefits under this chapter for
8 the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96,
9 1996–97, and 1997–98 fiscal years, and through October 31, 1998,
10 to reflect any change in the cost of living. For the 1998–99 fiscal
11 year, the cost-of-living adjustment that would have been provided
12 on July 1, 1998, pursuant to subdivision (a) shall be made on
13 November 1, 1998. No adjustment to the maximum aid payment
14 set forth in subdivision (a) of Section 11450 shall be made under
15 this section for the purpose of increasing the benefits under this
16 chapter for the 2005–06 and 2006–07 fiscal years to reflect any
17 change in the cost of living. Elimination of the cost-of-living
18 adjustment pursuant to this paragraph shall satisfy the requirements
19 of former Section 11453.05, and no further reduction shall be made
20 pursuant to that section.

21 (2) No adjustment to the minimum basic standard of adequate
22 care set forth in Section 11452 shall be made under this section
23 for the purpose of increasing the benefits under this chapter for
24 the 1990–91 and 1991–92 fiscal years to reflect any change in the
25 cost of living.

26 (3) In any fiscal year commencing with the 2000–01 fiscal year
27 to the 2003–04 fiscal year, inclusive, when there is any increase
28 in tax relief pursuant to the applicable paragraph of subdivision
29 (a) of Section 10754 of the Revenue and Taxation Code, then the
30 increase pursuant to subdivision (a) of this section shall occur. In
31 any fiscal year commencing with the 2000–01 fiscal year to the
32 2003–04 fiscal year, inclusive, when there is no increase in tax
33 relief pursuant to the applicable paragraph of subdivision (a) of
34 Section 10754 of the Revenue and Taxation Code, then any
35 increase pursuant to subdivision (a) of this section shall be
36 suspended.

37 (4) Notwithstanding paragraph (3), an adjustment to the
38 maximum aid payments set forth in subdivision (a) of Section
39 11450 shall be made under this section for the 2002–03 fiscal year,
40 but the adjustment shall become effective June 1, 2003.

1 (5) No adjustment to the maximum aid payment set forth in
2 subdivision (a) of Section 11450 shall be made under this section
3 for the purpose of increasing benefits under this chapter for the
4 2007–08, 2008–09, and 2009–10 fiscal years.

5 (6) For the 2010–11 fiscal year and each fiscal year thereafter,
6 no adjustment to the maximum aid payment set forth in subdivision
7 (a) of Section 11450 shall be made under this section unless
8 otherwise specified by statute.

9 (d) Adjustments for subsequent fiscal years pursuant to this
10 section shall not include any adjustments for any fiscal year in
11 which the cost of living was suspended pursuant to subdivision
12 (c).

13 SEC. 3. No appropriation shall be made pursuant to Section
14 15200 of the Welfare and Institutions Code for purposes of this
15 act.

16 SEC. 4. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.